IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Crl.MC.No. 3788 of 2007()

CC.232/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, RANNI

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PETITIONER: ACCUSED A3 AND A4:

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1. VARGHESE ALIAS GEORGEKUTTY,
   S/O.BABY, KOTTACKATTETHU HOUSE, NEDUMKANDAM,
   IDUKKI.

2. UNNIKRISHNAN, S/O.PANKAJAKSHAN NAIR,
   MADAPPALLIL HOUSE, NEDUMKANDAM, IDUKKI.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS: STATE:

STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3788 of 2007

Dated this the 19th day of December, 2007

O R D E R

Petitioners face indictment in a prosecution for offences punishable, inter alia, under Sections 380 and 451 I.P.C. Cognizance has been taken as early as in 2000 as can be seen from the number assigned to the case - C.C.No.232 of 2000. The petitioners had appeared before the learned Magistrate. They were enlarged on bail. But subsequently they have started absconding and coercive processes have been issued against the petitioners by the learned Magistrate. The petitioners find such processes chasing them.

2. According to the petitioners, they are absolutely innocent. Their absence earlier was not wilful or deliberate. They are willing to surrender before the learned Magistrate and apply for bail. But they apprehend that their application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioners.

3. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-